

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on February 17, 2004 at 7:05 p.m. after a 6:30 p.m. caucus session.

Mayor Pro-tem Schilling presiding.

Mayor Pro-tem Schilling led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Mayor Pro-tem David Schilling, Absent Mayor David E. Carter.

Mayor Pro-tem Schilling called the Public Hearing on Special Ordinance 2004-1023, authorizing an agreement whereby the City would exchange its parking lot real estate behind the stores north of Broadway Avenue in exchange for the real estate adjacent to the IC Railroad Depot (which would be developed as a public parking lot) and another parcel owned by the municipality at Lake Paradise, to order at 7:06 p.m. in the City Hall Council Chambers. City Attorney J. Preston Owen introduced the potential land exchange and directed City Administrator Richard Underkofler to continue. Administrator Underkofler summarized the notice of the public hearing, described beneficiaries from the new construction, explained the demolition of the Helen Montgomery building with conversion to a parking lot, reported the Gordon appraisal as \$103,000 (\$82,000 package + \$21,000 lake property) quantified value, and meeting of the statutory requirements. Harold Shores of Shores Jewelry questioned the interior brick of the Helen Montgomery east-side wall, whether it was watertight, possible hidden costs of the wall. Administrator Underkofler, Attorney Owen, and the Council discussed the liability of the wall. Administrator Underkofler stated the liability was not addressed in the agreement. Council's consent was to compose language with respect to the safety of the wall. Jackie Record of the Historical Society reported that the Senate passed the transportation bill and would be in a compromised stage if monies were spent on claims for the project. Mayor Pro-tem Schilling closed the public hearing at 7:18 p.m.

Commissioner Donnell seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1023, authorizing an agreement whereby the City would exchange its parking lot real estate behind the stores north of Broadway Avenue in exchange for the real estate adjacent to the IC Railroad Depot (which would be developed as a public parking lot) and another parcel owned by the municipality at Lake Paradise.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1023

AN ORDINANCE AUTHORIZING AN AGREEMENT WHEREBY THE CITY WOULD EXCHANGE ITS PARKING LOT REAL ESTATE BEHIND THE STORES NORTH OF BROADWAY AVENUE IN EXCHANGE FOR THE REAL ESTATE ADJACENT TO THE ILLINOIS CENTRAL RAILROAD DEPOT AND ANOTHER PARCEL OWNED BY THE MUNICIPALITY AT LAKE PARADISE

WHEREAS, at a regular meeting held January 20, 2004, the City Council adopted Resolution No. 2004-2536 directing that a public hearing would be held at 7 PM on February 17, 2004 on a proposed agreement for a land exchange whereby the CITY would exchange its parking lot real estate behind the stores north of Broadway Avenue in exchange for the real estate adjacent to the Illinois Central Railroad Depot (which would be developed as a public parking lot) and another parcel owned by the municipality at Lake Paradise; and

WHEREAS, the other party to this proposed real estate exchange is FIRST NATIONAL BANK, as Trustee of Trust #092, dated July 1, 2002; and

WHEREAS, the real estate that would be conveyed from the TRUST to the CITY is located at 1706 Broadway Avenue and legally described as:

Lot Twenty-nine (29) in Block One Hundred Seventeen (117) in the Assessor's Subdivision of the Original Town of Mattoon, Coles County, Illinois; and

WHEREAS, the Mattoon Midtown real estate that would be conveyed from the CITY to the TRUST is legally described as:

Beginning on the West line of East 2nd Street, now 16th Street, in the City of Mattoon, 144 feet north of the Southeast corner of Block 117 in the Original Town of Mattoon; thence North on the West line of said 16th Street to a point 130 feet South of the center line of the main track of the St. Louis, Alton & Terre Haute Railroad, in said Town; thence Westward and parallel with said center line of said railroad track and 130 feet distance to a point due West of the Place of Beginning; thence East to the Place of Beginning; intending hereby to transfer and convey all of Lot 12 of Assessor's Subdivision, Block 117, Original Town of Mattoon, Coles County, and a part of Section 13, Township 12 North, Range 7 East of the Third Principal Meridian, all situated in the City of Mattoon, Coles County, Illinois.

Also,

Beginning on the West right-of-way line of 16th Street, 5 feet north of the Northeast corner of Lot 12 in Assessor's Subdivision of Block 117 of the Original Town of Mattoon; thence northerly along the West right-of-way line of 16th Street, a distance of 83.96 feet; thence deflecting 105 degrees 16 minutes 00 seconds to the left, a distance of 288.35 feet parallel and 50 feet South of the centerline of the abandoned Eastbound track formerly of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company; thence deflecting 89 degrees 55 minutes 00 seconds to the left a distance of 81.00 feet; thence deflecting 90 degrees 05 minutes 00 seconds to the left a distance of 266.36 feet to the Place of Beginning; and

WHEREAS, the Lake Paradise real estate that would be conveyed from the CITY to the TRUST is legally described as:

A part of the Northeast Quarter of Section 8, Township 11 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of the Northeast Quarter of Section 8, Township 11 North, Range 7 East of the Third Principal Meridian per Monument Record Book 1, Page 77; thence on an assumed azimuth 269 degrees 10 minutes 39 seconds along the south line of said Northeast Quarter, 854.01 feet; thence azimuth 0 degrees 26 minutes 55 seconds, 214.45 feet to an iron pin capped #3140 and the Point of Beginning; thence azimuth 269 degrees 10 minutes 52 seconds, 82.50 feet to an iron pin; thence azimuth 180 degrees 32 minutes 43 seconds, 325.24 feet to an iron pin on the north right of way line of F.A.S. 674 (Lake Paradise Road); thence azimuth 269 degrees 00 minutes 37 seconds, 90.69 feet along said right of way line to an iron pin capped #3140; thence azimuth 359 degrees 07 minutes 35 seconds, 17.00 feet along said right of way line to an iron pin capped #3140; thence azimuth 269 degrees 07 minutes 35 seconds, 609.10 feet along said right of way line to an iron pin capped #3140; thence azimuth 1 degree 58 minutes 07 seconds, 94.67 feet to an iron pin capped #3140; thence azimuth 17 degrees 03 minutes 42 seconds, 460.37 feet to an iron pin capped #3140; thence azimuth 89 degrees 07 minutes 35 seconds along the south line of a tract of land conveyed in deed recorded January 11, 1999 as Document #612148 in the Coles County Recorder's office, 649.06 feet to an iron pin capped #3140; thence azimuth 180 degrees 26 minutes 55 seconds, 224.37 feet to the Point of Beginning, containing 8.335 acres, all situated in Paradise Township, Coles County, Illinois; and

WHEREAS, the persons who would be receiving the parking lot real estate presently owned by the municipality intend to use it together with the real estate upon which the Big Four Railroad Depot is situated to construct new buildings for retail and office uses; and

WHEREAS, notice of the public hearing on this proposed real estate exchange was published in the *Mattoon Journal Gazette* on January 29, 2004; and

WHEREAS, said hearing was duly held on February 17, 2004 at which hearing persons were given an opportunity to appear and be heard in favor of or against the proposed real estate exchange.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Council hereby makes the following findings pertaining to this proposed real estate exchange:

- A. The recitals presented in the preamble to this resolution are found to be true and correct.
- B. State statutes prescribe that fair market value (as established by an independent appraisal) must be offered when a state or local government acquires real estate. Costs for demolition of the structure acquired and the costs of constructing a parking lot on the premises are *additional* costs that would be the responsibility of the local government if this real estate were acquired by eminent domain. The value of the property the City would convey, per appraisal, is \$103,000. The property being conveyed to the City, per appraisal, has a present value of \$137,500, *including* costs for demolition of the building and construction of the parking lot.
- C. Beyond the relative values for this real estate exchange as set forth in Paragraph B of this Section, the municipality is expected to receive additional value important to community economic development, public health and welfare:
 - (1) By the additional public parking that will be made available for patrons of AMTRAK using the "Illinois Central Railroad Depot";
 - (2) By the demolition and abatement of a dangerous building known as the "Big Four Railroad Depot"; and
 - (3) From the tax increment that will result from construction of new retail and office buildings on the parking lot presently owned by the municipality.
- D. The premises to be conveyed by the municipality under such exchange, in the opinion of the City Council, are no longer needed by the municipality for the public interest.

E. The premises to be received by the municipality under such exchange will prove useful to the municipality and will be for the public interest.

F. The total value of the substitutional premises exceeds the value of the premises for which same are being exchanged, as determined by the City Council, taking into consideration the long-term best interest of the public.

G. This real estate exchange is consistent with the Redevelopment Plan for the Mattoon Midtown Redevelopment Project Area adopted December 16, 2003.

Section 3. The Mayor Pro-Tem¹ is authorized to sign an “**AGREEMENT FOR LIKE-KIND EXCHANGE OF REAL ESTATE**”, a copy of which is attached and incorporated herein by reference.

Section 4. The City Council hereby authorizes the Mayor Pro-Tem¹, City Attorney and Treasurer to take such other administrative actions that may be necessary to implement the intent of this resolution.

Upon motion by Commissioner Donnell, seconded by Commissioner Gambill, adopted this 17th day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Mayor Pro-tem Schilling

NAYS (Names): None

ABSENT (Names): Mayor Carter

Approved this 17th day of February 2004.

/s/ Mayor Pro-tem Schilling
David R. Schilling, Mayor Pro-Tem
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 18 2004.

¹ Pursuant to Resolution 2003-2503 and Section 11-74.4-4(n) of the TIF Act, Mayor David Carter refrains from any official involvement, communicating with any other commissioner, officers or consultants and abstains from voting from any matter pertaining to the Redevelopment Project Area. Mayor Carter has disclosed that he owns property within the boundaries of the Redevelopment Project Area. Mayor Carter was absent from the meeting during the proceedings related to the adoption of this ordinance. The Mayor Pro-Tem signed approving this ordinance immediately upon its adoption and in the Mayor's absence.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-tem Schilling, Absent Mayor Carter.

Commissioner Gambill read a statement in support of the promotion of Downtown.

Commissioner Donnell seconded by Commissioner Gambill moved to amend Section 3 of Special Ordinance 2004-1023 to authorize the Mayor Pro-tem to sign the agreement as amended pertaining to the issue of bearing wall of the east side of the Helen Montgomery property.

Commissioner Donnell believed this action would spur development in the Downtown area.

Mayor Pro-tem Schilling declared the motion to amend Special Ordinance 2004-1023 carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-tem Schilling, Absent Mayor Carter.

Mayor Carter arrived at 7:23 p.m.

Recess at 7:24 p.m.

Reconvened 7:26 p.m.

Mayor Carter called the Public Hearing on Resolution 2004-2539, supporting a \$750,000 CDAP grant application to assist with the cost for the extension of Progress Drive and Logan Street in the Mattoon Industrial Park, pledging local funds to the project and authorizing the Mayor and City Clerk to execute documents agreeing to terms, conditions, understandings and assurances contained in the grant application, to order at 7:26 p.m. in the City Hall Council Chambers. City Attorney J. Preston Owen introduced the resolution and invited Doug McDermund of Coles County Regional Planning (CCRP) to speak on behalf of the resolution. Mr. McDermund reported that the grant was to be used for road-related design and construction activities in the Mattoon Industrial Park for potential expansion of American Pad and Paper (Ampad), explained the application process, and stated there were no guarantees for the project. The costs for the project were \$1,300,000 in addition to the grant administration of \$24,000. The proposed sources of funds would be derived from the IDOT EDP Grant funds, IDOT TARP funds, and local sources funds. This project could produce a multi-million dollar private investment, creating an estimate of 50 jobs in a low-to-moderate income range, and no displacing of households or businesses. The floor was opened to the public for questions. There were no questions from the public. Mr. McDermund stated the grant would be on file at City Hall and at CCRP.

Mr. McDermund continued with the second part of the public hearing with regard to the Community Development Assistance Program (CDAP) application's Housing and Community Development Needs Hearing. Mr. McDermund explained the short- and long-term housing and community development needs for Mattoon in an updated list as follows: 1. Midtown TIF District in upgrading the streets, sidewalks, and water/sewer lines; 2. I-57 TIF District in promoting the convention center; 3. Promote economic Development opportunities throughout the City; 4. Water and Sewer upgrades; 5. Develop and implement South End drainage issues; 6. Rehabilitation of brick streets; 7. Improve the sidewalks; and 8: Upgrade the City parks. The floor was opened for public questions. There were no questions from the public. Mayor Carter closed the public hearing at 7:34 p.m.

Mayor Carter seconded by Commissioner Schilling moved to adopt Resolution 2004-2539, supporting a \$750,000 CDAP grant application to assist with the cost for the extension of Progress Drive and Logan Street in the Mattoon Industrial Park, pledging local funds to the project and authorizing the mayor and city clerk to execute documents agreeing to terms, conditions, understandings and assurances contained in the grant application.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2539

A RESOLUTION SUPPORTING A CDAP GRANT APPLICATION TO ASSIST WITH THE COST FOR THE EXTENSION OF PROGRESS DRIVE AND LOGAN STREET IN THE MATTOON INDUSTRIAL PARK, PLEDGING LOCAL FUNDS TO THE PROJECT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE DOCUMENTS AGREEING TO TERMS, CONDITIONS, UNDERSTANDINGS AND ASSURANCES CONTAINED IN THE GRANT APPLICATION

WHEREAS, the extension of Progress Drive and Logan Street in the Mattoon Industrial Park (hereinafter, the "Project") is necessary to serve production and distribution firms expected to create new jobs for the Mattoon area labor market; and

WHEREAS, \$1,300,000 is the preliminary estimate of cost for the extension of Progress Drive and Logan Street to standards that will accommodate 80,000 pound trucks; and

WHEREAS, subject to a 50% match of local funds, the Illinois Department of Transportation (IDOT) is willing to offer a grant from its Economic Development Program (EDP) valued at approximately \$253,000 for an east segment of the Project, which consists of approximately 1,720 lineal feet; and

WHEREAS, IDOT is willing to offer a grant from its Truck Access Route Program (TARP) valued at approximately \$34,800 for the east segment of the Project, which may be credited toward the requirement for local matching funds; and

WHEREAS, Coles County is willing to contribute \$120,000 of the local matching funds for this Project in consideration for its plan to close 6th Street in connection with another project to upgrade County Route 1000 with an overpass over the Illinois Central Railroad; and

WHEREAS, Mattoon Enterprise Park, LLC, the owner of the undeveloped real estate in the Mattoon Industrial Park, is willing to contribute the balance of funds required for the local matching share for the east segment this Project; and

WHEREAS, the City of Mattoon is applying to the State of Illinois for a \$750,000 Community Development Assistance Program (CDAP) grant to assist with the cost of the west segment of the Project which consist of approximately 2,700 lineal feet; and

WHEREAS, it is necessary that the application be made and agreements entered into with the State of Illinois incidental to this CDAP grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Mayor is authorized to apply for a \$750,000 CDAP Grant from the Illinois Department of Commerce and Economic Opportunity to assist with the cost of the extension of Progress Drive and Logan Street in the Mattoon Industrial Park. The Mayor may enter into and agree to the understandings and assurances contained in said application on behalf of the City.

Section 2. The City Council hereby authorizes the Mayor to certify sources of financing and corresponding specific uses of funds for the Project as presented on “Exhibit A” to this resolution, a copy of which is attached hereto and incorporated herein by reference.

Section 3. The Mayor and City Clerk are authorized to provide such additional information as may be required to accomplish the obtaining of the CDAP Grant

Upon motion by Mayor Carter, seconded by Commissioner Schilling, adopted this 17th day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None
ABSENT (Names): None

Approved this 18th day of February 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O’Brien
Susan O’Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on February 18, 2004.

EXHIBIT A

CDAP GRANT TO ASSIST WITH THE COST FOR THE EXTENSION OF PROGRESS DRIVE AND LOGAN STREET IN THE MATTOON INDUSTRIAL PARK

SOURCES & USES OF FUNDS

SOURCES

Intergovernmental Sources:	
IDOT EDP Grant for East Roadway Segment	\$ 253,000
IDOT TARP Grant for East Roadway Segment	34,800
CDAP Grant for West Roadway Segment & Grant Admin	<u>750,000</u>
Subtotal	1,037,800

Local Sources	
Coles County	120,000
Mattoon Enterprise Park, LLC	<u>166,200</u>
Subtotal	286,200

Total	\$ 1,324,000
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USES:

Roadway Design & Construction

East Segment (1,720 L.F.)	\$ 506,000
West Segment (2,700 L.F.)	794,000

CDAP Grant Administration

By Coles County Regional Planning Commission	24,000
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Total	\$ 1,324,000
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Notes:

1. Mattoon Enterprise Park, LLC owns the undeveloped real estate in the Mattoon Industrial Park. Agracel, Inc. ("Agracel") is the managing member of Mattoon Enterprise Park, LLC. All right-of-way required for the roadway construction will be donated.
2. Mattoon Enterprise Park, LLC will assume financial responsibility for sanitary sewer extension costs, including a lift station if necessary.
3. Although not immediately required, a future water main loop extension is planned within the Progress Drive / Logan Drive right-of-way. The preliminary cost estimate for the main extension is \$90,000. Mattoon Enterprise Park, LLC will assume financial responsibility for the cost of the materials. The City of Mattoon Water Fund will assume financial responsibility for the engineering plans, permits, construction labor and inspection.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve the minutes of the Regular Meeting held on February 3, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the report of the Library for the month of January 2004, Police 2003 Annual Report, and Public Nuisance Report for January 2004.

Mayor Carter opened the floor for discussion. Council discussed the Public Nuisance Report.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve the bills and payroll for the first half of February.

Bills and Payroll**General Fund**

Payroll	\$ 218,974.49
Bills	<u>\$ 33,480.62</u>
Total	\$ 252,455.11

Hotel Tax Fund

Payroll	\$ 272.00
Bills	<u>\$ 238.90</u>
Total	\$ 510.90

Festival Management

Bills		\$ 848.13
	Total	\$ 848.13

Insurance & Tort Judgment

Bills		\$ 6.98
	Total	\$ 6.98

Capital Project

Bills		\$ 15,601.56
	Total	\$ 15,601.56

Water Fund

Payroll		\$ 28,431.69
Bills		\$ 32,143.12
	Total	\$ 60,574.81

Sewer Fund

Payroll		\$ 31,418.37
Bills		\$ 75,857.32
	Total	\$ 107,275.69

Cemetery Fund

Payroll		\$ 4,124.97
Bills		\$ 185.07
	Total	\$ 4,310.04

Health Insurance

Bills		\$ 67,541.68
	Total	\$ 67,541.68

Motor Fuel Tax

Bills		\$ 13,868.48
	Total	\$ 13,868.48

Water Fund

Bills		\$ 240.00
	Total	\$ 240.00

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to adopt Resolution 2004-2534, approving a summary plan description and written plan document for the Group Health Benefit Plan for employees and retirees of the municipality to be administered by PersonalCare, effective January 1, 2004.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2534

**A RESOLUTION APPROVING A SUMMARY PLAN DESCRIPTION AND WRITTEN PLAN DOCUMENT FOR THE
GROUP HEALTH BENEFIT PLAN FOR EMPLOYEES AND RETIREES OF THE MUNICIPALITY TO BE ADMINISTERED
BY PERSONALCARE**

WHEREAS, the City Council has retained PersonalCare to be the third party administrator for the group medical and prescription drug benefit plan for employees and retirees of the municipality; and

WHEREAS, it is the intent of the City Council that the group medical and prescription drug benefit plan shall be substantially equivalent to the group health plan administered by Benefit Administrative Systems, Ltd., the predecessor third party administrator of the health plan

for calendar year 2003, except as changed by agreements negotiated with the three collective bargaining units that represent the majority of the City's employees and requirements of the Employee Retirement Income Security Act of 1974 ("ERISA") Sections §102 and §402; and

WHEREAS, these changes shall become effective January 1, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that the Mayor and City Clerk are authorized to execute documents and take such other administrative action necessary to implement the summary plan description and written plan document for the Group Health Benefit Plan for employees and retirees of the municipality, a copy of which is attached hereto and incorporated herein by reference.

Upon motion by Commissioner Schilling, seconded by Commissioner Donnell, adopted this 17th day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of February 2004.

/s/ David E. Carter
David Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 18, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to adopt Resolution 2004-2540, authorizing an Agreement to enable PersonalCare to handle privacy related services mandated by the Health Insurance Portability and Accountability Act, other federal laws and regulations that govern the Group Health Benefit Plan for employees and retirees of the municipality.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2540

A RESOLUTION AUTHORIZING AN AGREEMENT TO ENABLE PERSONALCARE TO HANDLE PRIVACY RELATED SERVICES MANDATED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, OTHER FEDERAL LAWS AND REGULATIONS THAT GOVERN THE GROUP HEALTH BENEFIT PLAN FOR EMPLOYEES AND RETIREES OF THE MUNICIPALITY

WHEREAS, the City Council has retained PersonalCare to be the third party administrator for the group medical and prescription drug benefit plan for employees and retirees of the municipality; and

WHEREAS, as a part of these services the Council expects PersonalCare to handle privacy related services mandated by the Health Insurance Portability and Accountability Act, other federal laws and regulations that govern the Group Health Benefit Plan for employees and retirees of the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that the City Clerk is authorized to execute a "Business Associate Agreement" with PersonalCare, a copy of which is attached hereto and incorporated herein by reference.

Upon motion by Commissioner Schilling, seconded by Commissioner Gambill, adopted this 17th day of February, 2004, by a roll call vote,

as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None
ABSENT (Names): None

Approved this 17th day of February 2004.

/s/ David E. Carter
David Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 17, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to adopt Special Ordinance 2004-1022, authorizing a special use permit subject to conditions for stipulated commercial uses at 6057 Old State Road in an extraterritorial RS Suburban District.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1022

AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT SUBJECT TO CONDITIONS FOR STIPULATED COMMERCIAL USES AT 6057 OLD STATE ROAD IN AN EXTRATERRITORIAL RS SUBURBAN ZONING DISTRICT

WHEREAS the City of Mattoon initiated a zoning code enforcement action in the Circuit Court for the Fifth Judicial Circuit of Illinois (City of Mattoon vs. Carl Bartels, d/b/a Carl Bartels Construction, Case No. 2002-MR-91) seeking an order of the court directing Carl Bartels to cease commercial use of land at 6057 Old State Road; and

WHEREAS there was filed with the Zoning Board of Appeals of the City of Mattoon, County of Coles and State of Illinois, a certain Petition by the property owners requesting a land use variance and special use for said property to allow the operation of a commercial construction business known as CARL BARTELS CONSTRUCTION at that location; and

WHEREAS said Petition was set for public hearing before the Zoning Board of Appeals on November 4, 2003, due notice of said hearing was published and posted in accordance with requirements of the Mattoon Code of Ordinances; and

WHEREAS said public hearing was duly held on November 4, 2003, before the Zoning Board of Appeals; and

WHEREAS, said Petition was duly presented to the Mattoon Planning Commission for its consideration on November 10, 2003 and said Planning Commission voted to deny said petition; and

WHEREAS, the Zoning Board of Appeals duly met on November 18, 2003, and having considered all matters presented to it, recommended to "deny the petition, but to recommend to the City Council for Mr. Bartels to request a Special Use Permit to use the premises only for his business use; and that he maintain his property in a manner that would not create a nuisance; and that said use would only be allowed during the Bartel's ownership"; and

WHEREAS, the Petitioner has agreed that if granted a Special Use Permit for certain stipulated commercial uses he will agree to install fencing or dense foliage along the southern perimeter of the property to fully screen outside storage of construction materials and equipment used in the operation of his business.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Pursuant to enabling authority provided at Section §159.45 of the Mattoon Code of Ordinances, a Special Use Permit is hereby granted to Carl Bartels, d/b/a Carl Bartels Construction to use the real estate described in this ordinance for certain stipulated commercial uses subject to the installation and continued maintenance of dense vegetation or fencing along the entire southern boundary of the property that will visually screen evidence of any commercial use of the land and to maintain said land in a manner that will not create a nuisance as that term is defined in the Mattoon Code of Ordinances.

Section 3. The real estate that is the subject of this Special Use Permit is legally described as:

Beginning at the Southwest Corner of Section Nineteen (19), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian, (a point marked by a rock as the place of beginning; thence due North along the West Line of said Section Nineteen (19), a distance of 153.5 feet; thence North 89' 24" East a distance of 778.0 feet. Thence South 29' 35" East a distance of 44.5 feet to the center line of the Old State Road; thence South 70' 42" West along the center line of the Old State Road a distance of 847.3 feet to the West line of Section Thirty (30), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian; thence due North along the said West line of Section Thirty (30), a distance of 157.3 feet to the Place of Beginning, EXCEPT the West 335 of even width off of the above-described real estate, all situated in Coles County, Illinois, commonly known as 6057 Old State Road;

Section 4. The only commercial uses authorized by this Special Permit are stipulated as follows:

Outside storage of vehicles, equipment and concrete forms used in the concrete contracting business. Storage of any other item that would be characterized as a nuisance as that term is defined in the Mattoon Code of Ordinances shall not be stored outside on the premises.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Section 7. The City Attorney is directed to dismiss the circuit court case cited in this ordinance upon its approval by all parties.

Approved this 17th day of February 2004.

Carl Bartels, d/b/a Carl Bartels Construction

/s/ Carl Bartels
Carl Bartels

/s/ Mark E. Bovard
Mark E. Bovard
Attorney for Carl Bartels

Upon motion by Mayor Carter, seconded by Commissioner Donnell, adopted this 17th day of February, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None
ABSENT (Names): None

Approved this 17th day of February 2004.

/s/ David E. Carter

David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 18 2004.

Mayor Carter opened the floor for discussion. Mayor Carter informed the Council that there was an opponent that was unable to attend the meeting.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling stated the Briarwick residents had contacted him and hoped Mr. Bartels would enhance the property, so they are not offended by the property.

Mayor Carter seconded by Commissioner Gambill moved to adopt Resolution 2004-2541, approving the conveyance of 4.374 acres of real estate owned by the municipality by warranty deed to Community Unit School District No. 2 (Tract #2 as Identified in a legal description and shown on a plat of survey prepared by the Upchurch Group.

CITY OF MATTOON

RESOLUTION NO. 2004-2541

A RESOLUTION APPROVING THE CONVEYANCE OF REAL ESTATE OWNED BY THE MUNICIPALITY BY WARRANTY DEED TO MATTOON COMMUNITY UNIT SCHOOL DISTRICT NO. 2

WHEREAS, the City of Mattoon, Illinois (the "**Municipality**") and Mattoon Community Unit School District No. 2 (the "**School District**") entered into an Intergovernmental Agreement approved March 4, 2003, which provided that the **Municipality** would convey land near Mattoon Middle School (*commonly known as Veterans Field*) to the **School District** in exchange for financial assistance for roadway and sidewalk improvements needed to accommodate increased vehicular and pedestrian traffic incidental to a new elementary school the School District was constructing near the intersection of Western Avenue and 43rd Street in Mattoon, Illinois; and

WHEREAS, the Municipality agreed to assume responsibility for the costs of, and to provide: a legal description of the property to be conveyed and boundary survey prepared by a professional land surveyor licensed in the State of Illinois; a Phase I Environmental Assessment prepared by a professional engineer licensed in the State of Illinois prepared according to standards required by 765 ILCS 77/1 *et. seq*; and a title insurance policy insuring title in the real estate in School District in the sum of \$73,500.00; and

WHEREAS, the legal description, boundary survey and commitment for title insurance have been completed and found acceptable to the School Superintendent; and

WHEREAS, 50 ILCS 605/2 specifies that a conveyance of real estate of this character must be authorized by a resolution passed by the **School District** and the **Municipality**; and

WHEREAS, the **School District** accepted this conveyance by a Resolution passed at a regular meeting held February 10, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Council hereby authorizes the conveyance of 4.374 acres of real estate owned by the municipality by warranty deed to Community Unit School District No. 2 (Tract #2 as identified in a legal description and shown on a plat of survey prepared by The Upchurch Group subject to exceptions identified on a commitment for title insurance, copies of which are attached hereto and incorporated by reference.

Section 2. The Mayor and City Clerk are authorized to sign the deed and take such other administrative action necessary to implement the intent of this Resolution.

Upon motion by Mayor Carter, seconded by Commissioner Gambill, adopted this 17th day of February 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of February 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 18 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to adopt Special Ordinance 2004-1024, authorizing an intergovernmental grant agreement with the Illinois Department of Transportation for a "Wildflower Initiative" project to install native wildflowers and grasses along a state highway at a strategic entrance location to the community.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1024

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL GRANT AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR A "WILDFLOWER INITIATIVE" PROJECT

WHEREAS, the City of Mattoon has been offered a \$35,000 reimbursement grant from the Illinois Department of Transportation (IDOT) for the initial installation of native wildflowers and grasses along a state highway at a strategic entrance location to the community; and

WHEREAS, grant funding up to \$5,000 annually for two years would also be reimbursed from IDOT to maintain and care for the plantings; and

WHEREAS, the grant requires the municipality to pledge that it will provide \$5,000 in matching funds or in-kind services for the initial installation of roadside landscaping and to maintain the landscaping work for two years; and

WHEREAS, the grant requires execution of an intergovernmental agreement whereby the municipality must agree with terms and conditions of the grant, including a pledge for the local matching funds or in-kind services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The mayor and city clerk are authorized to sign a grant agreement with the Illinois Department of Transportation, a copy of which is attached hereto and incorporated herein by reference.

Section 2. The City Council pledges to appropriate \$40,000 in the budget for the 2004/2005 fiscal year for a "Wildflower Initiative" project and to underwrite \$5,000 in cash or in-kind services for the initial installation of the roadside landscaping from a source to be determined when the budget is adopted.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law

Upon motion by Commissioner Hesse, seconded by Commissioner Schilling, adopted this 17th day of February 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of February 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 18 2004.

Mayor Carter opened the floor for discussion. Council discussed possible areas, including enhancing the City entrances. Commissioner Hesse stated he would present a design for the entrances, frontage roads, retention ponds, and other areas.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1025, authorizing a merit pay increase for Tim Bragg, Assistant Fire Chief.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1025

AN ORDINANCE APPROVING A MERIT PAY INCREASE FOR THE ASSISTANT FIRE CHIEF

WHEREAS, the Council desires to award merit pay increases for its management and supervisory employees on completion of performance appraisals in recognition of meritorious service.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The annual base salary of Assistant Fire Chief W. Tim Bragg is hereby adjusted to become \$53,045.00 retroactive to January 1, 2004.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Donnell seconded by Commissioner Gambill adopted this 17th day of February 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of February 2004.

/s/ David E. Carter

David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 18 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve Council Decision Request 2004-277, ratifying the appointment of Jennifer Cisna to the Mattoon Arts Council replacing Julia Boyd for a term expiring September 30, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve Council Decision Request 2004-278, ratifying the appointment of Liana Hite to the Library Board replacing Kirk Swenson for a term expiring June 30, 2007.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for discussion. Joyce St. Michael spoke on behalf of Video Revue and neighbors about whether the City can do anything with regard to the pallet burning at the building next to City Hall, which has caused eye/breathing irritation and headaches of patrons and neighbors. Council discussed with input from Community Development Coordinator Kyle Gill and Fire Chief Bruce Grafton the situation. Attorney Owen stated that this may be an EPA issue. Council requested Mr. Gill and Chief Grafton to contact Mr. Kull.

Mayor Carter seconded by Commissioner Donnell moved to adjourn to executive session to discuss matters that may lawfully be discussed in closed session: topics pertaining to personnel, real estate or potential litigation at 7:52 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, NAY Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Reconvened at 8:16 p.m.

Commissioner Schilling seconded by Commissioner Donnell moved to adjourn at 8:17 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, NAY Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Susan J. OBrien
City Clerk